

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 59 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Saran

=====

Rajesh Kumar Sharma @ Rajesh Sharma Son of Chandeshwar Sharma
Resident of Village - Pandeypur, P.O.- Chanchaura, P.S.- Daraundha, District -
Siwan (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari @ Priyanka Devi @ Priyanka Kumari Sharma, Wife of
Rajesh Kumar Sharma, Daughter of Krishnadeo Sharma, Resident of Village
- Manjhi Kanchanpur, P.S.- Manjhi, District - Saran at Chapra (Bihar).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar
For the Respondent/s : Mr.Jitendra Kumar Singh

=====

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 30-08-2024

This revision petition has been preferred by the petitioner being aggrieved with the impugned judgment dated 07.11.2023 passed by the learned Principal Judge, Family Court, Saran at Chapra in Maintenance Case No 30 of 2017 whereby and whereunder the learned Family Court allowed the application of opposite party No 2 – wife filed under Section 125 of the Cr P C and directed the petitioner – husband to pay a monthly maintenance of Rs 19,000/- to opposite party No 2 – wife from the date of submission of the application, i e, on 03.02.2017.



2 Learned counsel for the petitioner would submit that the learned Family Court, without considering the fact that opposite party No 2 – wife is residing separately without any reasonable and sufficient cause, granted the maintenance order in her favour. Since, she is residing separately without any reasonable cause, therefore, she is not entitled to get any maintenance amount. He further submits that before the learned Family Court, certain documents were also submitted by the petitioner but the learned Family Court did not consider the said document and passed the impugned order and, therefore, on this ground also, the impugned order is liable to be set aside.

3 Heard learned counsel for the petitioner and perused the entire evidence adduced by both the parties before the learned Family Court.

4 Undisputedly, opposite party No 2 is the legally wedded wife of the petitioner and she is residing separately from the petitioner.

5 Perusal of the impugned order and pleading of the petitioner before the learned Family Court and his statement made before the learned Family Court clearly show that he made an allegation upon his wife that she is leading adulterous life with some person. However, the petitioner was unable to produce any



evidence before the learned Family Court in this regard. Therefore, making a false allegation on the wife regarding leading her adulterous life, is alone a sufficient ground to enable opposite party No 2 – wife to reside separately. Thus, the learned Family Court rightly arrived at the conclusion that opposite party No 2 – wife is residing separately with the petitioner – husband with reasonable cause.

6 With regard to the other ground raised by the learned counsel for the petitioner is concerned, perusal of the record of the learned Family Court clearly shows that after closing the evidence of both the parties, at the time of argument, list of documents along with the memorandum of argument has been filed by the petitioner – husband before the learned Family Court and along with the said memorandum of argument, certain documents were submitted by the petitioner. Since the above documents, which were produced at the time of final argument, were not present at the time of recording of the evidence, therefore, there was no need to the learned Family Court to exhibit those documents. Further, there was no prayer made by the petitioner before the learned Family Court for making exhibits on those documents. Thus, the contention raised by the learned counsel for the petitioner in this regard is also not acceptable.



7 So far as quantum of maintenance is concerned, considering the earning of the petitioner, the amount of maintenance, as ordered by the learned Family Court, also appears to be just and proper.

8 Resultantly, do not find any merit in this revision petition. Accordingly, this revision petition is liable to be and is hereby dismissed at the stage of admission itself, having no merit.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2024
Transmission Date	04.09.2024

